

**IN THE UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

In Re:)	
)	Case No. 19-44253-659
JIMMIE LEE BROWN,)	
)	Chapter 7
Debtor.)	
)	
DANIEL J. CASAMATTA,)	
Acting United States Trustee,)	
)	Adversary No. _____
Plaintiff,)	
)	
v.)	
)	
JIMMIE LEE BROWN,)	
)	
Defendant.)	

**UNITED STATES TRUSTEE'S
COMPLAINT PURSUANT TO 11 U.S.C. § 523(a)(10)**

COMES NOW the Acting United States Trustee, Daniel J. Casamatta, by his undersigned Trial Attorney, and states in support of this Complaint:

1. Plaintiff, Daniel J. Casamatta (the “Plaintiff” or the “United States Trustee”) is the Acting United States Trustee for the Eastern District of Missouri whose office is located in the Thomas Eagleton Federal Courthouse, 111 S. 10th St., Ste. 6.353, St. Louis, Missouri 63102.
2. Jimmie Lee Brown (the “Defendant”) is an individual who stated on the petition filed with the Court that he resides 4624 Behlmann Estates Lane, Florissant, Missouri 63034.
3. The Court has jurisdiction over this adversary action proceeding pursuant to 28 U.S.C. §§ 1334(a) and 157. This matter is a core proceeding under 28 U.S.C. § 157(b)(2)(J). Venue is proper in this Court under 28 U.S.C. § 1409(a).
4. Plaintiff has standing to request the relief sought in this Complaint pursuant to 11 U.S.C. § 307.

FACTS

Based upon information and belief, the Plaintiff alleges the following pertinent facts:

5. The Defendant, through his counsel, Neil Weintraub, filed a voluntary petition for relief in this Court under Chapter 13 of the Bankruptcy Code on January 23, 2017. The case was designated case number 17-40382-659.

7. On June 29, 2017, the Debtor filed a motion to convert case number 17-40382-659 to a liquidation case under Chapter 7. The Court granted the Debtor's motion, and the case was converted to a case under Chapter 7 on June 30, 2017.

8. On October 11, 2017, the Court granted the Defendant a discharge in case number 17-40382-659.

9. On or about April 2, 2019, the Court entered an Order and Judgment that (a) revoked the discharge that had been granted to the Defendant on October 11, 2017, in case number 17-40382-659 pursuant to 11 U.S.C. § 727(d)(2) and (b) approved the Defendant's waiver of his discharge in case number 17-40382-659.

10. The Defendant filed a voluntary petition under Chapter 13 of the Bankruptcy Code on July 9, 2019. The case was designated case number 19-44253-659.

11. On September 19, 2019, the Defendant filed a motion to convert case number 19-44253-659 to a liquidation case under Chapter 7.

12. On September 20, 2019, the Court granted the Defendant's motion, and case number 19-44253 was converted to a case under Chapter 7.

13. Section 523(a)(10) of the Bankruptcy Code, 11 U.S.C. § 523(a)(10), provides:

(a) A discharge under section 727, 1141, 1228(a), 1228(b), or 1328(a) of this title does not discharge an individual from any debt –

(10) that was or could have been listed or scheduled by the debtor under this title or under the Bankruptcy Act in which the debtor waived discharge, or was

denied a discharge under section 727(a)(2), (3), (4), (5), (6), or (7) of this title, or under section 14c(1), (2), (3), (4), (6), or (7) of such Act.

14. Pursuant to 11 U.S.C. § 523(a)(10), all of the Defendant's debts that were or could have been listed or scheduled in case number 17-40382-659, along with any interest and penalties, are non-dischargeable in case number 19-44253-659.

WHEREFORE, the United States Trustee respectfully requests that the Court enter an order and judgment providing that all debts that the Defendant listed or could have listed on his schedules in case number 17-40382-659 are non-dischargeable in case number 19-44253-659, and granting any further relief that the Court deems just and proper.

DANIEL J. CASAMATTA
Acting United States Trustee

PAUL A. RANDOLPH
Assistant United States Trustee

By:

/s/ Carole J Ryczek
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